

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2591 of 2023

Arising Out of PS. Case No.-287 Year-2022 Thana- JANDAHA District- Vaishali

Laloo Rai @ Ranvijay Kumar Rai @ Ranvijay Rai Son Of Shivji Rai
Resident Of Village- Bhan Bhoraha, Ps- Jandaha, Distt- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangita Devi Wife Of Manoj Paswan Resident Of Village- Bhanboraha, Ps- Jandaha, Distt- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Hemant Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-01-2024 Heard Mr. Hemant Kumar, learned counsel for the appellant as well as Mr. Binay Krishan, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for regular bail by order dated 28.04.2023 passed by the learned Court of Special Judge SC/ST, Vaishali in connection with Jandaha P.S. Case No. 287 of 2022, F.I.R. dated 21.09.2022 registered under Sections 323, 448, 452, 504, 506, 376D, 379/34 of the Indian Penal Code and Sections 3(ii)(r)(s) (w) of the Scheduled Castes and Scheduled Tribes Act and Section 67 of the I.T. Act.

3. According to the prosecution case, this petitioner along with other accused person used to assault the informant sexually in the absence of her husband.

4. Learned counsel for the appellant submits that



appellant is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. He further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has not stated anything about the appellant and the victim has refused for her medical examination. He further submits that the similarly situated co-accused, namely, Sanjay Rai @ Sanjay Kumar has been granted bail by this Hon'ble Court vide order dated 11.08.2023 passed in Cr. Appeal (SJ) No. 1412 of 2023 and the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 20.03.2023.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant.

6. Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge SC/ST, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 287 of 2022, with other following conditions:-



i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

